

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:22-CV-169-FL

WILSON ORGANIC FARM SERVICES )  
INC., )  
 )  
Appellant, )  
 )  
v. )  
 )  
JOSEPH Z. FROST, CH. 11 TRUSTEE; and )  
BRIAN C. BEHR, )  
 )  
Appellees. )  
 )  
---- )  
 )  
CLERK OF COURT STEPHANIE )  
BUTLER, )  
 )  
Interested Party. )

ORDER

This matter is before the court on motion by the bankruptcy administrator for the Eastern District of North Carolina to dismiss appellant’s appeal as untimely or, in the alternative, as a nullity. Appellant did not respond, and the time for doing so as expired. In this posture, the issues raised are ripe for ruling.

Pursuant to Federal Bankruptcy Rule 8002(a)(1) “a notice of appeal must be filed with the bankruptcy clerk within 14 days after entry of the judgment, order, or decree being appealed.” Fed. R. Bankr. P. 8002(a)(1). In the present case, the notice of appeal was filed April 27, 2022, a total of 29 days after the dismissal order was entered on March 29, 2022. At no point did appellant request an extension of the deadline to initiate an appeal, and the time for doing so has lapsed. See

Fed. R. Bankr. P. 9006. Appellant's appeal is accordingly DISMISSED as untimely, and the clerk of court is DIRECTED to close this case.

SO ORDERED, this the 30th day of June, 2022.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN  
United States District Judge